

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DOMINIC CASTLEBERRY,

Plaintiff,

v.

CASE NO: 10-CV-11460-DT

DAIMLER CHRYSLER TRUCK
FINANCIAL , aka CHRYSLER FINANCIAL
SERVICES AMERICAS, LLC.,

Defendant .

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION DENYING PLAINTIFF'S
MOTION TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION**

This matter is before the court on Plaintiff Dominic Castleberry's motion to dismiss Defendant's counterclaim (Docket #62). This matter was referred to United States Magistrate Judge Charles Binder pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his Report, the magistrate judge recommended that this court deny Plaintiff's motion. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Motion to dismiss the Defendant's counterclaim is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Dated: February 8, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 8, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522